

ROBERT L. ARLEO, ESQ.

380 Lexington Avenue
17th Floor
New York, N.Y. 10168

Telephone: (212) 551-1115
Email: r.arleo@verizon.net

Fax: (518) 751-1801

August 28, 2012

Honorable Arthur D. Spatt
United States District Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Re: Corpac v. Rubin & Rothman, LLC et al.
10-cv-4165

Dear District Judge Spatt:

This correspondence shall serve as a reply to the Response to Letter Motion for Hearing in Regard to False Allegations of Attorney Misconduct (Dkt. No. 49) submitted by attorney Brian Bromberg.

In the third paragraph of his Response Mr. Bromberg asserts (in part) that I am allegedly abusing the Court system by crowding up the docket with “countless letter motions and asides.” On the contrary, Mr. Bromberg’s tactic of making serious allegations of attorney misconduct, and advancing unauthorized arguments, have compelled two separate motions for relief. In response to one of these compelled motions, Mr. Bromberg alleges abusive litigation tactics instead of addressing the basis of the motion. I am confident that Your Honor understands Mr. Bromberg’s tactics.

In the third paragraph of his Response letter Mr. Bromberg asserts “Mr. Arleo is making his letter-motion to distract the Court from the problems with his settlement with Mr. Horn.....” Again, I did not negotiate the class settlement agreement with Mr. Horn. Again, attorney Joseph Latona solely negotiated the class settlement agreement with Mr. Horn. (Latona affirmation, Dkt. No. 39). Apparently, Mr. Bromberg believes that Your Honor will eventually believe I negotiated the class settlement if he simply asserts this proven false allegation enough times. Your Honor is referred to Fed. R. Civ. P. 11 in regard to an attorney advancing a continued meritless argument after the lack of the merit of the argument has been proven.

In the fourth paragraph of this response letter Mr. Bromberg asserts “In addition, Mr. Arleo apparently intends to continue raising my letter to Judge Bianco two years ago in an attempt to paper over Mr. Horn’s conflict of interest and the defamatory claims by Mr. Horn that my co-counsel and I have engaged in illegal “kickback”. Initially, Mr. Bromberg revived his “payoff” allegation before this Court. (Dkt. No 46, page 20). In regard thereto, and once again advancing a baseless allegation of attorney misconduct, Mr. Bromberg alleges that I have attempted to “...mislead the Court..” by (allegedly) failing to quote the full definition of “payoff” as same is set forth in the website www.merriam-webster.com/dictionary/payoff. However, a simple review of this definition cited by Mr. Bromberg reveals it as “The act or occasion of receiving money or material gain especially as compensation or as a bribe.”

Attached hereto as Exhibit A is a copy of another Webster Dictionary website regarding the definition of “payoff”. Reference is made to number “3” therein which states “the act of giving or receiving money or other valuable consideration as a bribe.” Thus, again, the allegation of providing a “payoff” to my clients is serious and is advanced against me by Mr. Bromberg to convince the Court that I typically engage in patently improper attorney misconduct. Most telling is the fact that Mr. Bromberg has never attempted to deny that he means to convey that I was engaged in bribing class representatives to settle their case. A simple “I did not intend to convey that a bribe to the class representatives was paid.” would have sufficed.

Your Honor should further simply ignore Mr. Bromberg’s attempt to drag me into Mr. Horn’s “kickback” issue. As stated in my Letter Motion I do not concur with nor join Mr. Horn in regard thereto. Thus, contrary to another of Mr. Bromberg’s false claim against me, I am not attempting to “paper over” Mr. Horn’s “kickback” allegation. Same is his issue to deal with, not mine.

In sum, instead of attempting to refute the contents of the Letter Motion Mr. Bromberg simply asserts more false allegations against me and thus provides this Court with a further basis to grant the relief requested therein.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra

cc: William F. Horn, Esq. via email
Brian Bromberg, Esq. via email
Matthew Schedler, Esq. via email

